

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA)
)
VS.) CAUSE NO. 2:15-CR-001-C
)
DILLON ALEX STEELE)

**TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE SAM R. CUMMINGS,
SENIOR UNITED STATES DISTRICT JUDGE**

**FRIDAY, JANUARY 15, 2016
LUBBOCK, TEXAS**

A P P E A R A N C E S

FOR THE GOVERNMENT:

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY; TRANSCRIPT
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P R O C E E D I N G S

THE COURT: The next case called for sentencing is Cause Number CR2-15-001, United States of America vs. Dillon Alex Steele.

MR. HAAG: The United States is ready, Your Honor.

MS. LIGGETT: The defendant is present and ready, Your Honor.

THE COURT: The file reflects that a presentence report has been prepared. Mr. Steele, have you gone over that report with your lawyer?

THE DEFENDANT: Yes, sir.

THE COURT: The file also reflects that the government has filed a statement adopting the matters set forth in the presentence report.

The defense has filed objections to the report. Counsel, if you wish, you may address those objections.

MS. LIGGETT: Thank you, Your Honor.

We filed 14 objections. Of those objections, the probation office, in the addendum, agreed with some and did not agree with others. We will stand on our written objections with regard to the ones that were not agreed to by Probation.

I would point out to the Court that the only one of the objections that makes a difference in the sentencing guideline is Objection 14, and we concede that the Fifth Circuit has issued a case, United States v. Stoker, that is

1 contrary to the defendant's position on this matter, and we are
2 filing that merely to preserve the issue for appeal. It's
3 basically a Johnson issue on whether or not the offense of
4 conviction applies--qualifies as a crime of violence.

5 With regard to the remaining objections, none of
6 them affect the sentencing guidelines, so we would just stand
7 on our written objections.

8 Thank you, Your Honor.

9 THE COURT: All right. Government's response?

10 MR. HAAG: Your Honor, the addendum in this case
11 accurately and adequately addresses each of the defendant's
12 objections. As noted in the Objection Number 14, it is
13 overruled by Fifth Circuit precedent, and we respectfully ask
14 the Court to follow that.

15 THE COURT: All right. The Court, having
16 considered the objections of the defense, will make the
17 following rulings:

18 The Court will sustain those objections which were
19 agreed to by the probation officer and overrule those
20 objections as noted--or as noted in the addendum to be objected
21 to by the probation office for the reasons as set forth in the
22 addendum. So I'm clear, the objections that are overruled
23 relate to the objections to paragraphs 39, 40, 121, 129, 117,
24 and to paragraphs 29 and 51.

25 The Court then will adopt as the Court's findings

1 the matters set forth in the presentence report and the
2 addendum, as ruled upon by the Court this morning, not only as
3 it relates to the background data and information, but also the
4 analysis made under the sentencing guidelines.

5 Does the government have any evidence or further
6 argument?

7 MR. HAAG: Your Honor, we have two points for the
8 Court this morning.

9 First, in this case, the United States is
10 recommending a sentence at the bottom of the advisory guideline
11 range. As noted during the hearing on the mental competency,
12 the presentence report and the sentencing memorandum, the
13 defendant has struggled with mental health issues for a
14 substantial majority of his life, and we believe that these
15 factors don't warrant a downward departure, but they do warrant
16 a sentence at the bottom of the advisory guideline range.

17 Next, we respectfully ask the Court to dismiss the
18 remaining count of the indictment and proceed to sentencing on
19 Count 1.

20 THE COURT: All right. That motion is granted.

21 Does the defense have any evidence or further
22 argument?

23 MS. LIGGETT: Your Honor, the defense has filed
24 both a sentencing memorandum and a supplemental sentencing
25 memorandum, and I won't reiterate at length what is presented

1 to the Court in those two documents. I would just note that
2 Mr. Steele has been in kind of a catch-22. He has mental
3 illness, which is well documented and has existed from early in
4 his life. He was taken from his family at age six or seven and
5 placed in foster care because his father opened his leg to the
6 bone with a pickax. He's been in and out of group homes, and
7 he was diagnosed with severe mental illness at age thirteen,
8 and he's been in and out of mental institutions.

9 Because of his mental illness, when placed in the
10 prison environment, the regimen and routines and requirement to
11 follow strict rules, he's incapable of following those rules
12 because of his mental illness when it's not appropriately
13 treated. The result is that he's placed in solitary
14 confinement, which only exacerbates his mental illness and
15 further makes him unable to comply with the rules.

16 It's well documented in the presentence report and
17 in the Journal of American Academy of Psychiatry and the Law
18 Online article, which was submitted to the Court on Wednesday,
19 that in state prisons, there simply are not sufficient programs
20 to deal with mental illness because there's no funding, there's
21 a long waiting list. As noted in the presentence report, that
22 is why Mr. Steele was denied mental treatment repeatedly while
23 in the Potter County Jail, because of lack of funding and a
24 need to prioritize. And so after he had been placed in
25 solitary confinement and been in there for more than six

1 months, that's when this instant offense occurred.

2 Mr. Steele's mental illness made him unable to
3 follow the rules and refrain from committing this crime. Now,
4 that does not rise to a full defense anymore in the federal
5 system. It's only if you have a mental defect which prevents
6 you from understanding the wrongfulness of your act. A
7 compulsion that you can't resist because of your mental illness
8 is no longer a defense. But clearly, this is what the
9 guidelines contemplate when they talk about downward departures
10 for mental illness. We are requesting a downward variance to a
11 sentence of 41 months in Mr. Steele's case.

12 I also have a letter from his mother that she sent.
13 "I am writing on behalf of Dillon Steele. Dillon has had a
14 very hard and difficult childhood and young adulthood. His
15 father was very abusive and was never a father to him the way
16 he should have been. Dillon was taken from home and put in
17 foster care because of the abuse; then was in and out of
18 several group homes and mental illness institutes while in
19 foster care and growing up.

20 "Then when he went to prison, all that was thought
21 of to do was just lock him up. He was never given the proper
22 treatment he needed for mental illness, and even when he got to
23 see a mental health person, he was not even given the proper
24 medication as ordered. Instead, he was locked up by himself in
25 solitary with very little contact with anyone. He is a human

1 being with medical problems that need medical treatment, and
2 being locked up because of and without it is brutality and
3 cruelty. He really needs mental health help so he can function
4 normally as much as possible.

5 "Dillon was not in his right mind when he wrote the
6 letters. He was locked up by himself without medication for
7 over a year. He was in a desperate situation and was seeking
8 help from someone. Dillon doesn't need any more locked-up
9 time; he needs mental health time and medication so he will
10 have a chance for a life with his two little boys. He is a
11 totally different person when on his medication and taking it
12 on schedule. Thank you, Deidre Steele."

13 I would note for the Court, as indicated in the
14 presentence report, when Mr. Steele is housed as BOP
15 psychiatrists recommended, in general population, not in
16 solitary, and when he does receive his proper education--his
17 medication, as he did when he was transferred to the Terry
18 County Jail, Mr. Steele is able to comply. He had no write-ups
19 since he's been given his treatment at the Terry County Jail.

20 Solitary confinement has a negative effect on the
21 healthy--the strongest, mentally strongest of people. It can
22 drive sane people crazy. When you take a person who already
23 has an existing serious mental illness well documented from the
24 age of thirteen with prior institutionalizations and mental
25 health facilities and you put them in solitary, you exacerbate

1 their mental health condition. You cause a recurrence of
2 insanity, and it led to this offense.

3 Your Honor, finally, we would request that the
4 Court make a recommendation that Mr. Steele serve his time at
5 USP Big Sandy.

6 Thank you, Your Honor.

7 THE COURT: Mr. Steele, you have the right to
8 address the Court this morning prior to the imposition of
9 sentence. You are not required to say anything, should that be
10 your choice, but the law does afford you that right and
11 opportunity. Is there anything which you wish to state to the
12 Court?

13 THE DEFENDANT: Yes, Your Honor. I'm sorry for my
14 actions and words towards Ms. Robinson and the stuff I done.
15 And I--you know, I would like you to take into consideration
16 I'm not going to be able to start this sentence until my state
17 time on or before January 1st, 2031, and I'd like you to look
18 at that and take that into consideration, Your Honor.

19 THE COURT: Mr. Steele, you pleaded guilty to
20 Count 1 of the indictment charging you with mailing threatening
21 communications. You having pleaded guilty to that charge, I
22 found you guilty, and I am now adjudging you guilty of that
23 offense.

24 Having adjudged you guilty, I am now going to
25 impose the following sentence:

1 First, I'm ordering that you pay a special
2 assessment of \$100.

3 Next, I'm ordering that you be committed to the
4 custody of the United States Bureau of Prisons to be imprisoned
5 for a term of 77 months, with this sentence to run consecutive
6 to those matters described on page 2 of the judgment. I will
7 recommend that you be placed at USP Big Sandy.

8 Upon your release from incarceration, I'm ordering
9 that you serve a 3-year term of supervised release. You will
10 get a copy of the judgment so you will know what the conditions
11 of supervision are. There are some standard conditions, as
12 well as special conditions.

13 The special conditions include the following:

14 First, you shall participate in a program approved
15 by the United States Probation Office for the treatment of
16 narcotic, drug, or alcohol dependency. You shall contribute to
17 the cost of services rendered at a rate of at least \$25 a
18 month.

19 Next, you shall participate in any mental health
20 treatment service programs as directed by the probation office.
21 You shall contribute to the cost of services rendered at a rate
22 of at least \$15 a month.

23 Next, you shall abstain from the use of alcohol and
24 all other intoxicants during the term of supervision.

25 I will now state on the record the specific reasons

1 for imposing the sentence I have just imposed.

2 As to the term of incarceration, I've imposed a
3 term of 77 months. I believe this sentence does adequately
4 address the sentencing objectives of punishment and deterrence.

5 The supervised release is imposed for the reason I
6 believe the defendant will need this amount of supervision to
7 see that he reassimilates himself back in society, that he
8 obtains suitable employment, that he maintains a law-abiding
9 lifestyle.

10 No fine is assessed.

11 The special assessment is imposed because the law
12 mandates that it be.

13 Now, Mr. Steele, you have the right to appeal as
14 authorized by law or as stated in your plea agreement. Should
15 you choose to appeal, you must file your notice of appeal
16 within 14 days from today. If you file that notice of appeal,
17 you may also file a motion with the Court seeking permission to
18 appeal at no cost to yourself, but rather at the cost of the
19 government. Should you file that motion, I will take it under
20 advisement and rule on it just as soon as I can.

21 You may stand aside.

22 (END OF HEARING)

23 * * * * *

1 I, Mechelle Daniel, Federal Official Court Reporter in and
2 for the United States District Court for the Northern District
3 of Texas, do hereby certify pursuant to Section 753,
4 Title 28, United States Code, that the foregoing is a true and
5 correct transcript of the stenographically reported proceedings
6 held in the above-entitled matter and that the transcript page
7 format is in conformance with the regulations of the Judicial
8 Conference of the United States.

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s/ Mechelle Daniel **DATE** FEBRUARY 26, 2016

MECHELLE DANIEL, CSR #3549
FEDERAL OFFICIAL COURT REPORTER